STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

April 11, 2023

Hon. Christian F. Hummel
United States Magistrate Judge
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

        Re: *Blanford v. Banks, et al.*
               N.D.N.Y. 21-CV-0231 (TJM/CFH)

Dear Judge Hummel:

        On September 28, 2022, Defendants filed a Motion for Summary Judgment. Dkt. 100 *et seq.* In support of their motion, Defendants rely upon surveillance camera footage of the February 2, 2021 incident that is the subject of the Complaint in this action.

        Pursuant to Local Rule 5.3, I respectfully seek the Court's permission to seal Exhibit A to the Declaration of William Snyder that was previously submitted to the Court for *in camera* review. As described in the Declaration, Exhibit A is the video footage referenced above. Plaintiff has viewed the footage in discovery, but he is not permitted to possess a copy of it for security reasons. Public disclosure of the footage could threaten the safety and security of staff and the population of incarcerated individuals at Marcy Correctional Facility. Public disclosure also risks giving information regarding the physical layout, including dimensions and security posts, which could facilitate prison escapes. Sealing of Exhibit A comports with the standard set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), in which the Court is permitted to weigh the general presumption of public access to judicial documents against competing considerations. Here, it is Defendants' position that these considerations weigh strongly in favor of sealing.

        In accordance with Local Rule 5.3, I attach a proposed sealing order for your consideration.

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Respectfully submitted,

/s/ Brittany M. Haner

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Enc.
cc: All Counsel of Record [VIA ECF]